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Attorney Docket No. 55784 RCE (70551)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT(S): J. Nakajima, et al. EXAMINER: Hindi, Nabil Z.  
SERIAL NO.: 09/824,554 GROUP: 2656  
FILED: April 2, 2001  
FOR: OPTICAL RECORDING MEDIUM RECORDED WITH  
INFORMATION IN DEPTH DIRECTION, AND METHOD AND  
APPARATUS OF REPRODUCTION THEREFROM

\*\*\*\*\*

**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as Express Mail, Post Office to Addressee, Express Mail Label No. **EV 756265440 US** in an envelope addressed to the Commissioner of Patents, P.O. 1450, Alexandria, VA 22313-1450 on January 12, 2006.

By: \_\_\_\_\_  
Kathryn A. Grindrod

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Sir:

**REQUEST UNDER 37 CFR 1.312 FOR COMPLETE  
SIGNED, DATED AND INITIALLED COPY OF FORM PTO 1449  
ACCOMPANYING INFORMATION DISCLOSURE STATEMENT FILED  
24 OCTOBER 2005**

This is in response to the Notice of Allowance and Issue Fee Due and related documentation issued in the above-identified case on 15 December 2005.

Applicants respectfully request that they be provided with a signed, dated and **fully initialed** copy of the Form PTO 1449 that accompanied the Information Disclosure Statement with the Request for Continued Examination in this case on 24 October 2005.

In particular, a copy of the Form PTO-1449 that accompanied the Information Disclosure Statement filed with the Request for Continued Examination in this application on 24 October 2005 was provided to Applicants with the Notice of Allowance and Issue Fees Due on 5 December 2005. Unfortunately, while the copy of the Form PTO-1449 that accompanied the Information Disclosure Statement filed on 24 October 2005 provided to Applicants was signed and dated by the Examiner and the Examiner initialed all of the foreign references listed therein, the Examiner apparently failed to notice and thus failed to initial the two United States Patents listed on that Form PTO-1449 in confirmation of his consideration thereof (see copy of Form PTO-1449 provided to Applicants with Notice of Allowance and Issue Fee due attached hereto).

To correct this oversight, complete Applicants' records concerning the prosecution of this application, and avoid the necessity of other action to ensure that the Examiner considered all of the art disclosed in the above-identified Information Disclosure Statement prior to the issuance of this application as a United States Patent, Applicants respectfully request that the their undersigned representative be provided at the earliest possible time with a copy of the Form PTO 1449 that accompanied the Information Disclosure Statement dated 24 October 2005 that is duly **and fully** signed, dated and initialed by the Examiner to confirm his consideration of all of the art listed therein

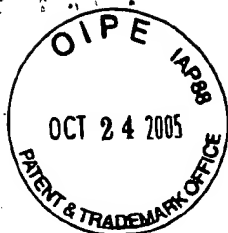
Applicant believes that additional fees are not required in connection with the consideration of this submission. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. **04-1105**, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

Respectfully submitted,

Date: January 12, 2006

By: David A. Tucker  
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PTO/SB/08a/b (07-05)

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Substitute for form 1449A/B/PTO			<b>Complete if Known</b>		
			Application Number	09/824,554-Conf. #9695	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)			Filing Date	April 2, 2001	
			First Named Inventor	Junsaku Nakajima	
			Art Unit	2655	
			Examiner Name	N. Z. Hindi	
Sheet	1	of	1	Attorney Docket Number	55784(70551)

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	AA*	US-5,572,507	11-05-1996	Kazuhisa Ozaki, et al.	
	AB*	US-6,760,299-B1	07-06-2004	Junsaku Nakajima, et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
NA	BA	JP-03-141032		06-17-1991	_____	✓
NA	BB	JP-05-205276		08-13-1993	_____	✓
NA	BC	JP-05-290379		11-05-1993	_____	✓
NA	BD	JP-06-215380		08-05-1994	_____	✓
NA	BE	JP-07-272282		10-20-1995	_____	✓
NA	BF	JP-08-153331		06-11-1996	_____	✓
NA	BG	JP-60-242532		12-02-1985	_____	✓
NA	BH	JP-2000-048478		02-18-2000	_____	✓
NA	BI	JP-2001-076347		03-23-2001	_____	✓
NA	BJ	CA-2085974		06-22-1994	_____	✓

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. \* CITE NO.: Those application(s) which are marked with an single asterisk (\*) next to the Cite No. are not supplied (under 37 CFR 1.98(a)(2)(iii)) because that application was filed after June 30, 2003 or is available in the IFW. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached. Abstract, partial translation or corresponding English language patent document.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature	Nakil Hindi	Date Considered	12/6/05
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